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June 29, 2022

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: Valelly v. Merrill Lynch, Pierce, Fenner & Smith Incorporated,
Case No. 1:19-cv-07998 (VEC)**

Dear Judge Caproni:

Plaintiff Sarah Valelly and Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated and jointly file this letter motion requesting permission to address the potential redaction and/or sealing of confidential information in accordance with the dates and procedures identified below, which are intended to supplement Rule 5(B) of the Court's Individual Practices in Civil Cases.

Plaintiff's reply papers in further support of her motion for class certification and papers responding to Defendant's *Daubert* motion is due this Thursday, June 30, 2022. These papers will be referencing materials that Defendant and Bank of America, N.A. (also represented by defense counsel) have designated as confidential or highly confidential under the governing protective order. Section 5 of Your Honor's Individual Practices in Civil Cases provides that "[i]f a request to file a redacted document is based on another party's designation of information as confidential, the parties shall confer and jointly submit the request to file the material in redacted form."

Consistent with the approach that that the parties and the Court took in connection with the first two rounds of briefing (ECF Nos. 85, 106), and to minimize the number of court filings and disputes regarding confidentiality that the Court will need to resolve, the parties propose as follows:

- Plaintiff will serve defense counsel, by email, her papers due on June 30, 2022, but will not file them contemporaneously on ECF.
- The parties will meet and confer within four business days after service to discuss the need to seal or redact exhibits and/or portions of the briefing.

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- On July 12, 2022, Plaintiff will file, on ECF, her papers under seal, pursuant to Rule 5B.ii of Your Honor's Individual Rules, as well as a joint letter motion pursuant to Rule 5B.iii of Your Honor's Individual Rules reflecting the parties' respective positions on whether the material should be sealed or redacted.

Relatedly, while briefing on the class certification motion will have closed upon service of Plaintiff's reply papers, the parties request that service of courtesy copies and electronic files of any cited transcripts be made upon the completion of the *Daubert* briefing, given that the motions overlap and cite to the same declarations, reports, and exhibits. The parties have conferred and Plaintiff will assume responsibility for service of courtesy copies of all motion papers and electronic files under Rule 4(B) of the Court's Individual Practices in Civil Cases.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

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*Attorneys for Defendant Merrill Lynch,
Pierce, Fenner & Smith Incorporated and
Non-party Bank of America, N.A.*

cc: All counsel of record (via ECF)

Application GRANTED.

SO ORDERED.



Date: 7/1/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE